

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

A.F.,	:	
Plaintiff,	:	Case No. 2:23-cv-01241
	:	
v.	:	
ASSOCIATION OF AMERICAN	:	
MEDICAL COLLEGES,	:	
	:	
Defendant.	:	

NOTICE OF REMOVAL

Without waiving any defenses, Defendant Association of American Medical Colleges (“Defendant”) hereby removes this civil action pending in the Franklin County, Ohio Court of Common Pleas, Case No. 23-CV-002265 (“State Court Action”), to the United States District Court for the Southern District of Ohio, Eastern Division, pursuant to 28 U.S.C. §§ 1441 and in accordance with 28 U.S.C. § 1331. This Court has original jurisdiction over this matter because the complaint of Plaintiff A.F. (“Plaintiff”) alleges violation of a federal law.

In further support of the Notice of Removal, Defendant states as follows:

Introduction

1. This action is a civil action within the meaning of the Acts of Congress relating to the removal of cases.
2. Plaintiff commenced the State Court Action by filing a complaint on April 3, 2023 (“Complaint”). Pursuant to 28 U.S.C. § 1446(a), a copy of all pleadings from the State Court Action are annexed hereto as **Exhibit A**.

3. Defendant has not yet been served with the Complaint, but it received copy of the Complaint by E-mail on April 3, 2023, along with certain other papers that Plaintiff has filed in the State Court Action.

4. Defendant has not filed a responsive pleading in the Franklin County, Ohio Court of Common Pleas.

Grounds for Removal

5. Pursuant to 28 U.S.C. § 1441(a), removal of an action originally filed in state court is proper in “any civil action brought in a State court of which the district courts of the United States have original jurisdiction[.]”

6. Pursuant to 28 U.S.C. § 1331, United States district courts have original jurisdiction of “all civil actions arising under the Constitution, laws, or treaties of the United States.”

7. Under 28 U.S.C. § 1441(c)(1), “[i]f a civil action includes a claim arising under the Constitution, laws or treaties of the United States, and a claim not within the original or supplemental jurisdiction of the district court . . . , the entire action may be removed if the action would be removable without the inclusion of [such] claim”

8. Count One of Plaintiff’s Complaint alleges violation of Title III of the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. (“ADA”). Counts Two and Three purport to seek a declaratory judgment and injunctive relief under Ohio law. The Complaint also makes passing reference to “Section 504,” which is presumably a reference to Section 504 of the federal Rehabilitation Act, but no claim is asserted under Section 504. (See Compl. ¶¶ 6-7, 26-37).

9. By reason of the foregoing, this Court has original federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331. *See also Cooley v. Aevum Hotels, LLC*, S.D.Ohio No. 1:21cv798, 2022 U.S. Dist. LEXIS 137958, *5, 2022 WL 3042590 (Aug. 2, 2022) (concluding

that this Court has original jurisdiction over plaintiff's claim for violation of Title III of the ADA, as well as supplemental jurisdiction over plaintiff's corresponding state law claims).

10. As an action of a civil nature founded on a claim or right arising under the laws of the United States, this action may be removed to this Court pursuant to 28 U.S.C. § 1441(a) and (c). This Court has supplemental jurisdiction over any otherwise non-removable claims or causes of action and may determine all issues raised thereby.

All Other Prerequisites for Removal Have Been Met

11. Removal of the above-captioned matter is timely pursuant to 28 U.S.C. § 1446(b) because this Notice of Removal is filed within thirty (30) days of the informal receipt of the Complaint by Defendant.

12. This Court is a proper venue for removal pursuant to 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district and division "embracing the place" where the State Court Action is pending.

13. As required by 28 U.S.C. § 1446(d), Defendant will promptly provide written notice of the filing of this Notice of Removal to all counsel of record, and will promptly file a copy of this Notice of Removal with the Clerk of the Franklin County, Ohio Court of Common Pleas.

14. In removing this matter to this Court, Defendant does not intend to waive, and hereby reserves, any defenses it has to the action, including without limitation improper service, personal jurisdiction and/or venue.

WHEREFORE, by the Notice of Removal, Defendant hereby removes this action from the Franklin County, Ohio Court of Common Pleas and requests that this Court retain jurisdiction over all further proceedings.

Dated: April 7, 2023

Respectfully submitted,

/s/ *Erin D. French*

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American Association of Medical Colleges

CERTIFICATE OF SERVICE

I hereby certify that, on April 7, 2023, I served a true and accurate copy of the foregoing via E-mail on the following:

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